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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation & Petition to  
Revoke Probation Against:

MICHELLE ROHDECROUT  
P. O. Box 552  
Carmichael, CA 95609

Respiratory Care Practitioner License No. 1296

Respondent.

Case No. R-2084

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 12, 2007, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation and Petition to Revoke Probation No. R-2084 against Michelle Rohdecroust (Respondent) before the Respiratory Care Board.

2. On or about April 19, 1985, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. 1296 to Respondent. The Respiratory Care Practitioner License expired on April 30, 2006, and has not been renewed.

3. On or about June 12, 2007, Jennifer Porcalla, an employee of the Complainant Agency, served by Certified and First Class Mail a copy of the Accusation and Petition to Revoke Probation No. R-2084, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's  
2 address of record with the Board, which was and is P. O. Box 552, Carmichael, CA 95609. A  
3 copy of the Accusation and Petition to Revoke Probation, the related documents, and Declaration  
4 of Service are attached as **Exhibit A**, and are incorporated herein by reference.

5 4. Service of the Accusation and Petition to Revoke Probation was effective  
6 as a matter of law under the provisions of Government Code section 11505, subdivision (c).

7 5. On or about June 14, 2007, Chris Crout signed the certified mail receipt  
8 for the aforementioned documents served by certified mail. A copy of the receipt is attached as  
9 **Exhibit B**, and is incorporated herein by reference.

10 6. Business and Professions Code section 118 states, in pertinent part:  
11 "(b) The suspension, expiration, or forfeiture by operation of law of a license  
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
13 board or by order of a court of law, or its surrender without the written consent of the board, shall  
14 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
15 board of its authority to institute or continue a disciplinary proceeding against the licensee upon  
16 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
17 taking disciplinary action against the license on any such ground."

18 7. Government Code section 11506 states, in pertinent part:  
19 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
21 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
22 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

23 8. Respondent failed to file a Notice of Defense within 15 days after service  
24 upon her of the Accusation and Petition to Revoke Probation, and therefore waived her right to a  
25 hearing on the merits of Accusation and Petition to Revoke Probation No. R-2084.

26 9. California Government Code section 11520 states, in pertinent part:  
27 "(a) If the respondent either fails to file a notice of defense or to appear at the  
28 hearing, the agency may take action based upon the respondent's express admissions or

1 upon other evidence and affidavits may be used as evidence without any notice to  
2 respondent."

3 10. Pursuant to its authority under Government Code section 11520, the Board  
4 finds Respondent is in default. The Board will take action without further hearing and, based on  
5 Respondent's express admissions by way of default and the evidence before it, contained in  
6 exhibits A, B and C, finds that the allegations in Accusation and Petition to Revoke Probation  
7 No. R-2084 are true.

8 11. The Respiratory Care Board further finds that pursuant to Business and  
9 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed  
10 for in the Accusation and Petition to Revoke Probation total \$4,906.50, based on the  
11 Certifications of Costs contained in **Exhibit C**.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Respondent Michelle Rohdecroust  
14 has subjected her Respiratory Care Practitioner License No. 1296 to discipline.

15 2. A copy of the Accusation and Petition to Revoke Probation and the related  
16 documents and Declaration of Service are attached.

17 3. The agency has jurisdiction to adjudicate this case by default.

18 4. The Respiratory Care Board is authorized to revoke Respondent's  
19 Respiratory Care Practitioner License based upon the following violations alleged in the  
20 Accusation and Petition to Revoke Probation, as listed in the Declaration of Jocelyn Campos,

21 **Exhibit D:**

22 A. On or about May 16, 2007, respondent was convicted on her nolo  
23 contendere plea to elder abuse, a violation of Penal Code section 368(b)(1), a felony and  
24 she was convicted on her nolo contendere plea to child cruelty, a violation of Penal Code  
25 section 273(a), a misdemeanor. The convictions are violations of Business and  
26 Professions code sections 3750(d), 3752 and 3752.5. Certified copies of the conviction  
27 are attached as **Exhibit E**.

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1           B.       Respondent is in violation of Probation Condition 2 (biological fluid  
2 testing) of the Order in Case No. R-2023 in that she did not provide bodily fluid samples  
3 for testing when ordered on November 20, 2006, December 27, 2006, January 2, 2007  
4 and March 10, 2007.

5           C.       Respondent is in violation of Probation Condition 3 (abstention from  
6 alcohol) of the Order in Case No. R-2023 in that she tested positive for ethylglucuronide  
7 (ETG), a metabolite of alcohol, on March 11, 2007 and on March 21, 2007.

8           D.       Respondent is in violation of Probation Condition 8 (notify the Board of  
9 criminal arrest) of the Order in Case No. R-2023 in that she was arrested on July 27, 2006  
10 for violating Penal Code section 273(a), child cruelty and Penal code section 422, threats.  
11 She did not inform the Board of this arrest within fourteen days. On April 2, 2007, she  
12 was arrested for violating Penal Code section 368(b), harm/death: elderly dependent  
13 adult. She did not inform the Board of this arrest within fourteen days.

14           E.       Respondent is in violation of Probation Condition 10 (comply with  
15 probation monitoring program) of the Order in Case No. R-2023 in that she did not phone  
16 in to Compass Vision Inc., the program that administers the biological fluid random  
17 testing program, on the following dates: September 2, 8, 22, 2006; October 7, 21, 26, 28,  
18 2006; November 2, 5, 7, 9, 11, 16-18, 25, 27, 2006; December 1, 4, 8, 10, 13, 25, 28 - 31,  
19 2006; January 2, 14, 17, 21 - 23, 26, 28, 2007; February 6, 9, 25, 2007; March 22, 31,  
20 2007, April 3-5, 7-8 through June 8, 2007.

21           F.       Respondent is in violation of Probation Condition 11 (probation costs) of  
22 the Order in Case No. R-2023 in that she has not paid monthly costs for August 17, 2006  
23 through May 17, 2007 and is past due \$1,000.00.

24           F.       Respondent is in violation of Probation Condition 15 (cost recovery) of the  
25 Order in Case No. R-2023 in that she has not made quarterly payments and is in arrears in  
26 the amount of \$1,167.87.

27           5.       Respondent is hereby ordered to pay the outstanding costs in Case No. R-  
28 2023 in the amount of \$2,167.87 and current enforcement costs in Case No. R-2084 of \$4,906.50

1 for a total of \$7,074.37.

2 ORDER

3 IT IS SO ORDERED that Respiratory Care Practitioner License No. 1296,  
4 heretofore issued to Respondent Michelle Rohdecroust, is revoked.

5 Respondent is ordered to reimburse the Respiratory Care Board the amount of  
6 \$6,145.37 for its investigative and enforcement costs. The filing of bankruptcy by Respondent  
7 shall not relieve Respondent of her responsibility to reimburse the Board for its costs.

8 Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all  
9 costs ordered under Business and Professions Code section 3753.5 have been paid.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
11 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
12 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
13 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
14 statute.

15 This Decision shall become effective on October 5, 2007.

16 It is so ORDERED September 6, 2007

17  
18 Original signed by:

19 LARRY L. RENNER, BS, RRT, RCP, RPFT  
20 PRESIDENT, RESPIRATORY CARE BOARD  
21 DEPARTMENT OF CONSUMER AFFAIRS  
22 STATE OF CALIFORNIA

23  
24 Attachments:

- 25 Exhibit A: Accusation and Petition to Revoke Probation No. R-2084, Related Documents,  
26 and Declaration of Service  
27 Exhibit B: Certified mail receipt  
28 Exhibit C: Certifications of Costs: Declarations of Sr Legal Analyst Catherine Santillan,  
Supervising DAG Jose Guerrero and DAG Ismael Castro  
Exhibit D: Declaration of Jocelyn Campos  
Exhibit E: Certified copies of conviction documents